

Notice of Allowability

Application No.

10/695,445

Examiner

Scott L. Jarrett

Applicant(s)

FOX ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/26/2006.
2. ☒ The allowed claim(s) is/are 1-3,6,7,10-17,19 and 20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 10/5/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance.

The present invention is directed to a system and method for providing weather-based business decision recommendations, such as recommending a retailer stock more of a particular product, wherein the recommendation is based on an first confidence level assigned to weather-driven demand data based on the probability that a weather element forecast is accurate, a second confidence level assigned to weather-driven demand data based on the strength of correlation between demand for a particular product and/or service and one or more weather elements and an opportunity measure (level) assigned to the weather-driven demand data based on the first and second confidence levels and identified weather decision point(s) within the set of weather-driven demand data that are deemed to be important.

The affidavit filed by Mr. Frederic Fox on August 28, 2006, with respect to the availability of Planalytics Impact version 3.1 product only after the filing of the instant application, specifically the product's ability to "assign a first confidence level to data within a set of weather driven demand based on a probability that a weather element forecast is accurate and the assignment of a second confidence level to the data *within the set* of weather driven demand data based on a strength of a correlation between a product or service being considered and one or more weather elements in which the assignments of these two confidence levels are used during subsequent processing of

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the data within the set of weather driven demand data" (emphasis added, Affidavit: number 10, Page 12) is persuasive as the closet prior art Smith et al., U.S. Patent Publication No. 2003/0004780 and Fox et al., U.S. Patent No. 5,832,456 or Planalytics SR, LR or Impact products fail to teach or suggest either singularly or in combination this ability as recited in independent Claims 1 and 7.

Further Applicant's arguments, see Last Paragraph Page 9, Paragraph 1, Page 10 and Page 12, filed August 28, 2006, with respect to Smith et al. and Fox et al. have been fully considered and are persuasive.

Smith et al., U.S. Patent Publication No. 2003/0004780 and Fox et al., U.S. Patent No. 5,832,456 fail to teach or suggest either singularly or in combination assigning a first confidence level to weather-driven demand data based on the probability that a weather element forecast is accurate, a second confidence level to weather-driven demand data based on the strength of correlation between the product and/or service being considered and one or more weather elements and an opportunity level to the weather-driven demand data based on the first and second confidence levels and identified weather decision point(s) *within the set* of weather-driven demand data recited in independent Claims 1 and 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Fox et al., U.S. Patent No. 7,069,232, teach a system and method for correlating product/service demand and weather forecasts wherein weather favorability for specific products in specific regions during specific time periods are provided.

- Fox et al., U.S. Patent No. 7,080,018, teach a system and method for planning future activities or events based on weather and activity information.

- Fox et al., U.S. Patent No. 7,103,560, teach a system and method for predicting future retail performance (e.g. how weather impacts business activities) based on weather-driven demand data.

- Retailers use sales forecasts to get in front of the weather (2000) teaches a commercially available system and method for predicting the impact of weather on the demand for products and/or services wherein the system/method assigns (attaches) a weather favorability number to weather-driven demand data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


SJ

10/18/2006


Roman Janty
Primary Examiner
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